

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Margot Hesel	Team: Team # 8	CCRB Case #: 200905128	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 03/30/2009 5:00 PM	Location of Incident: § 87(2)(b) § 87(2)(b)	Precinct: 46	18 Mo. SOL 9/30/2010	EO SOL 9/30/2010	
Date/Time CV Reported Mon, 03/30/2009 5:05 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/03/2009 2:19 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT James Moore	02295	932939	046 PCT
2. Officers			046 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers entered § 87(2)(b) § 87(2)(b)	§ 87(2)(b)
B.SGT James Moore	Abuse: Sgt. James Moore entered § 87(2)(b) § 87(2)(b)	§ 87(2)(b)
C.SGT James Moore	Force: Sgt. James Moore used physical force against § 87(2)(b)	§ 87(2)(b)
D.SGT James Moore	Abuse: Sgt. James Moore frisked § 87(2)(b)	§ 87(2)(b)

Synopsis

On March 30, 2009, § 87(2)(b) called Internal Affairs and filed a complaint, generating log #09-14718, which was forwarded to the CCRB on April 3, 2009. § 87(2)(b) listed himself and his friend, § 87(2)(b) as victims. On April 14, 2009, § 87(2)(b) provided a telephone statement to the CCRB. On April 22, 2009, § 87(2)(b) provided a telephone statement to the CCRB. As § 87(2)(b) and § 87(2)(b) corroborated one another's statements, they have been combined below. § 87(2)(b) and § 87(2)(b) reported the following.

On March 30, 2009, at approximately 5:00 PM, three uniformed officers arrived at § 87(2)(b) and § 87(2)(b)s shared § 87(2)(b), at § 87(2)(b) in the Bronx. PO1 was a 25-year-old, 5'5" tall, Hispanic female with an average build, with a shield that read, "Muder." PO2 was a 30-year-old, 6'1" tall, Hispanic male with a stocky build with a shield that read, "Ortiz." PO3 was a 25-year old, 5'6" tall, black male with a stock y build with a copper-colored shield that read, "Moore." § 87(2)(b) asked each officer for his or her name, and they were provided to him as, "PO Muder," "PO Ortiz," and "Sgt. Moore," respectively. The officers told § 87(2)(b) and § 87(2)(b) that they were looking for § 87(2)(b)s cousin, § 87(2)(b) and § 87(2)(b) told the officers that § 87(2)(b) was not at home. All three officers entered the apartment to look for § 87(2)(b) (**Allegation A, Allegation B**). PO1 and PO2 asked § 87(2)(b) "Where's the weed at?" and PO3 pushed § 87(2)(b) into a kitchen cabinet (**Allegation C**) and patted him down (**Allegation D**). Neither § 87(2)(b) nor § 87(2)(b) were arrested and the officers left.

A search of CTS revealed no matches for the name "§ 87(2)(b)". A search for female officers with last names beginning with M assigned to the precinct of occurrence revealed four Hispanic females. The investigation was unable to determine which of these officers may have been PO1. A search of CTS also revealed that there are four Hispanic male officers with the last name "Ortiz," assigned to the precinct of occurrence. The investigation was unable to determine which of these officers may have been PO2. A search of CTS revealed Sgt. James Moore from the 46th Precinct. PO Moore fits the physical description provided by § 87(2)(b) and is assigned to the precinct of occurrence. Allegations B, C, and D have therefore been pleaded against Sgt. Moore. Allegation A has also been pleaded against "Officers" from the 46th Precinct.

The investigation made the following attempts to contact § 87(2)(b). On April 14, 2009, a first please call letter was mailed to his provided address, and a message was left with § 87(2)(b) for him. On April 17, 2009, the investigator left a voice message for § 87(2)(b). On April 22, 2009, the investigator called § 87(2)(b) and scheduled an in person statement for May 8, 2009. On this date, § 87(2)(b) failed to appear at the CCRB and a missed appointment letter was mailed to his confirmed address. On May 12, 2009, the investigator called § 87(2)(b) and was unable to leave a message for him. On May 13, 2009, the investigator called § 87(2)(b) for the fifth time and left a message with a woman for him.

The investigation also made the following attempts to contact § 87(2)(b). On April 14, 2009, a first please call letter was mailed to § 87(2)(b) and the investigator called § 87(2)(b) and scheduled an in person statement for April 23, 2009. On this date, § 87(2)(b) failed to appear at the CCRB and a missed appointment letter was mailed to his confirmed address. On April 28, 2009, and April 30, 2009, the investigator called § 87(2)(b) and left voice messages for him. On May 1, 2009, the investigator called § 87(2)(b) and rescheduled his in person statement for May 12, 2009. On this date, § 87(2)(b) failed to appear for his second, scheduled appointment.

§ 87(2)(g)

Investigator:
Margot Hesel

Date: May 21, 2009

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: